

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

No. 09-60439  
USDC No. 3:08-CR-113-1

U.S. COURT OF APPEALS  
**FILED**

SEP 11 2009

CHARLES R. FULBRIDGE III  
CLERK

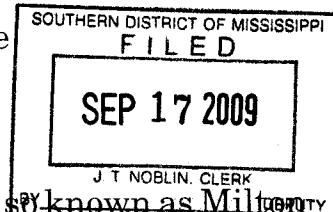
UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MILTON B. JOHNSON, also known as Milton R. Johnson, also known as ~~Milton~~ <sup>JOHNSON</sup>  
Burgess, also known as Milton J. Johnson,

Defendant-Appellant



Appeal from the United States District Court  
for the Southern District of Mississippi

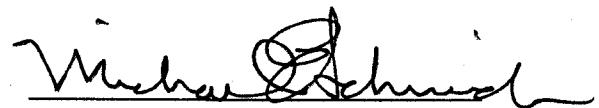
ORDER:

Eileen M. Maher, court-appointed counsel for Milton B. Johnson, moves to withdraw as counsel for Johnson in this direct criminal appeal. Maher asserts that Johnson has filed a grievance against her with the State Bar of Mississippi, thereby creating a conflict of interest. In his response to Maher's motion, Johnson requests that the court grant the motion to withdraw and appoint new appellate counsel.

Appointed counsel may be relieved upon a showing of "a conflict of interest or other most pressing circumstances or that the interests of justice otherwise require relief of counsel." Fifth Cir. Plan Under the Crim. Justice Act, § 5(B).

Maher has shown a conflict of interest. Her motion to withdraw is therefore GRANTED. Johnson's motion to appoint counsel is GRANTED.

FOR THE COURT:



MICHAEL E. SCHNEIDER  
DEPUTY CLERK

**United States Court of Appeals**  
FIFTH CIRCUIT  
OFFICE OF THE CLERK

**CHARLES R. FULBRUGE III**  
CLERK

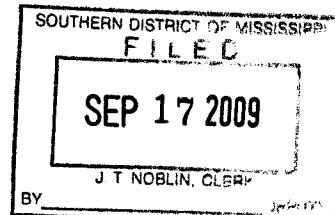
TEL. 504-310-7700  
600 S. MAESTRI PLACE  
NEW ORLEANS, LA 70130

September 11, 2009

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 09-60439 USA v. Milton Johnson  
USDC No. 3:08-CR-113-1

Enclosed is an order entered in this case.



CHARLES R. FULBRUGE III, Clerk

By:   
Chris P. Descant, Deputy Clerk

504-310-7704

Mr. David Harrison Fulcher  
Mr. Milton B. Johnson  
Ms. Eileen M Maher  
Mr. J T Noblin  
Ms. T Murry Whalen

*Motion Notice - MOT2 (!nptman)*